

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-1269

Kelvin Ray Love,

Appellant,

v.

L. Andrews, Accountant Tech., East
Arkansas Regional Unit, ADC,

Appellee.

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Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Submitted: May 17, 2001

Filed: May 22, 2001

Before BOWMAN, BEAM, and LOKEN, Circuit Judges.

PER CURIAM.

Arkansas prisoner Kelvin Love appeals from the district court's¹ 28 U.S.C. § 1915A(b)(1) dismissal of his 42 U.S.C. § 1983 complaint. Love argues the district court erred when it dismissed his complaint without issuing a summons and allowing him to amend his complaint after he had paid the initial partial filing fee. However, the

¹The Honorable William R. Wilson, Jr., United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Henry L. Jones, Jr., United States Magistrate Judge for the Eastern District of Arkansas.

district court may at any time dismiss a case for failure to state a claim, “[n]otwithstanding any filing fee, or any portion thereof, that may have been paid” see 28 U.S.C. § 1915(e)(2), and need not allow a prisoner to amend his complaint prior to dismissal, see Christiansen v. Clarke, 147 F.3d 655, 658 (8th Cir.), cert. denied, 525 U.S. 1023 (1998). Upon de novo review, see Cooper v. Schriro, 189 F.3d 781, 783 (8th Cir. 1999) (per curiam), we agree that Love’s complaint failed to allege a constitutional violation.

Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.